

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
LEGAL
WORKING FILE

FROM: CAROLEE HALL

DATE: APRIL 13, 2011

RE: APPLICATION FOR APPROVAL TO AMEND THE
INTERCONNECTION AGREEMENT BETWEEN QWEST
CORPORATION (QWEST) AND ELECTRIC LIGHTWAVE, LLC. (ELI)
CASE NO. QWE-T-00-21.

BACKGROUND

Under the provision of the federal Telecommunications Act of 1996, interconnection agreements must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). The Commission may reject an agreement adopted by negotiations only if it finds that the agreement: (1) discriminates against a telecommunications carrier not a party to the agreement; or (2) implementation of the agreement is not consistent with the public interest, convenience and necessity. 47 U.S.C. § 252(e)(2)(A). As the Commission noted in Order No. 28427, companies voluntarily entering into interconnection agreements “may negotiate terms, prices and conditions that do not comply with either the FCC rules or with the provision of Section 251 (b) or (c).” Order No. 28427 at 11 (emphasis in original). This comports with the FCC’s statement that “a state commission shall have authority to approve an interconnection agreement adopted by negotiation even if the terms of the agreement do not comply with the requirements of [Part 51].” 47 C.F.R. § 51.3.

CURRENT APPLICATION

On April 11, 2011, this Commission received an amended Interconnection Agreement between Qwest Corporation and Electric Lightwave, LLC (“ELI”) in Case No. QWE-T-00-21.

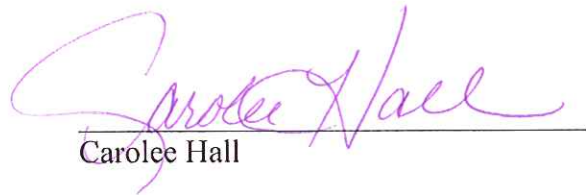
The amended Agreement adds terms and conditions relating to xDSL Capable Loops, as set forth in Attachments 1-3 and Exhibit A attached to the filing. Specifically, Qwest agrees to restore Asymmetric Digital Subscriber Line ("ADSL"), and reverse changes previously made.

STAFF ANALYSIS

Staff has reviewed the Application and finds that the amended Application does not appear to contain any terms or conditions that may be considered discriminatory or contrary to the public interest. Staff believes that the amended Agreement merits the Commission's approval.

COMMISSION DECISION

Does the Commission agree?



Carolee Hall

i:udmemos/QWE-T-00-21 Qwest and Electric Lightwave, LLC ELI